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ORANGE COUNTY LOS ANGELES SAN FRANCISCO SACRAMENTO FRESNO

September 16, 2019

SEP 20 2019

Iana Zadneprovskaja, Esq.  
Farber & Co.  
333 Hegenberger Road, Suite 504  
Oakland, CA 94621

Re: **Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC**

WCAB No: ADJ12031731

Claim No: 040519008736

Case Status: *Deposition of Applicant on 10/10/19*

Dear Ms. Zadneprovskaja:

As you know, Defendants are sending authorization to Primary Treating Physician Dr. Babak Jamasbi to provide future medical treatment only. That is supported by the May 28, 2019 report from PTP Dr. Patrick O'Lang, at which time he gave Applicant no impairment and no need for future medical treatment. Because that report noted that Applicant does have modified permanent restrictions, the Tenet does not apply and Applicant is allowed to change PTPs. However as discussed with Zachary Kweiler of your office, Dr. Jamasbi will only be able to provide future medical treatment and therefore will not control indemnity.

As discussed with Maria Gaytan of your office, the insurance company must send all medical records to Dr. Jamasbi, which was the specific request of the doctor. Because Dr. Jamasbi must first receive medicals before providing treatment, the insurance company is in the process of sending them which, as you can understand, is quite a large task. That information will be sent and Dr. Jamasbi will then be authorized. That authorization will be sent under separate cover.

Please note that it appears Applicant applied for State Disability benefits with the Oakland EDD and they picked up as of June 8, 2019 at the rate of \$447.00 per week. I already wrote to the Oakland EDD objecting to their lien based on the following.

Defendants justifiably cut off Temporary Total Disability as of May 20, 2019 based on the Permanent and Stationary report. Thus, the fact that the EDD picked up on June 8, 2019 will certainly complicate future settlement because any demand for reimbursement from the Oakland EDD will have to come out of the settlement in the form of Applicant's proceeds. As you are well aware, that often causes issues with settlements however that is neither here nor there. Please simply note that Defendants justifiably cut off TTD and therefore if the Oakland EDD pursues any recovery, it will have to come out of Applicant's proceeds from any settlement.

Iana Zadneprovskaja

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I also see that you requested yet another replacement Panel Qualified Medical Evaluator list because Dr. Timothy Lo is not setting within 90 days. Please note that if we receive a third replacement list and if the parties are unable to proceed with a med-legal provider at that time, I will file a Declaration of Readiness to Proceed to have this issue addressed. Clearly it is not prudent for any party to make repeated attempts to obtain a PQME and if that continues to be the case, I will request WCAB assistance to address the issue.

Thank you for your attention to this matter.

Kindest Regards,

COLANTONI, COLLINS, MARREN, PHILLIPS & TULK, LLP

BY: 

JAMES J. GOINES

JJG/skb

Encl: Copy of LT PTP Dr. Jamasbi

cc: Mario Castro / Chubb Group of Insurance Companies  
wcclaimsw2@chubb.com



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ORANGE COUNTY LOS ANGELES SAN FRANCISCO SACRAMENTO FRESNO

September 16, 2019

Dr. Babak Jamasbi  
2000 Van Ness Avenue, Suite 402  
San Francisco, CA 94109

Re: **Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC**

WCAB No: ADJ12031731

Claim No: 040519008736

Case Status: *Deposition of Applicant on 10/10/19*

Dear Dr. Jamasbi:

Enclosed herein please find a copy of the May 28, 2019 report from Primary Treating Physician Dr. Patrick O'Lang as well as the August 16, 2019 letter wherein he confirms that Applicant has no permanent impairment.

However, because Dr. O'Lang indicated that Applicant has permanent modified restrictions, the Tenet decision does not apply, and Applicant is allowed to change his PTP. Nonetheless, along those lines, please once again be advised that authorization will be sent to your office to provide future medical treatment only.

Thank you for your attention to this matter.

Kindest Regards,

COLANTONI, COLLINS, MARREN, PHILLIPS & TULK, LLP

BY:



JAMES J. GOINES

JJG/skb

Encl: Copy of 05/28/19 Report of PTP Dr. O'Lang  
Copy of 08/16/19 Correspondence from PTP Dr. O'Lang

cc: Mario Castro / Chubb Group of Insurance Companies  
wcclaimsw2@chubb.com  
Iana Zadneprovskaja, Esq. / Farber & Co.